

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Penina Katz
Application Number : 09/311,674
Filed : May 13, 1999
For : TELEPHONE BASED PERSONNEL TRACKING
SYSTEM

Examiner : R. Weinhardt
Art Unit : 2764
Docket No. : WMA-96-015AA
Date : April 12, 2000

INFORMATION SUBMITTED PURSUANT TO 37 CFR 1.97(c)

Honorable Commissioner of Patents and Trademarks
Washington, DC 20231

Dear Sir:

For consideration by the Examiner in the above-referenced patent application, under 37 C.F.R. 1.97(c), the undersigned representative of Applicant brings to the attention of the Patent and Trademark Office that the subject matter of the instant patent application is involved in litigation in *MCI Communications Corporation vs. Essential Voice Computing, Inc. and John Cogan*, Civil Action No. 3:00CV105 filed on February 25, 2000 in the United States District Court for the Eastern District of Virginia. To the knowledge of the undersigned after making reasonable inquiry, this information was not known to any individual designated in §1.56(c) more than three months prior to the filing of this statement.

For consideration by the Examiner in the above-referenced patent application, under 37 C.F.R. 1.97(c), the undersigned representative of Applicant brings to the attention of the Patent and Trademark Office that the subject matter of the instant patent application is involved in litigation in *MCI Communications Corporation, Inc., v. Quetzal Computers, Inc., Quetzal Info Systems, and Murray Gordon*, Civil Action No. 99-7391 (RR) filed on November 12, 1999 in the United States District Court for the Eastern District of New York.

Under 37 C.F.R. 1.97(c), the Applicant also brings to the attention of the Patent and Trademark Office the non-patent literature documents listed in the Information

Disclosure Statement By Applicant submitted herewith. The Applicant believes that the documents are cumulative to the information already of record. Moreover, the Applicant believes that the documents do not establish a *prima facie* case of unpatentability, and do not refute and are not inconsistent with a position that the Applicant takes in asserting an argument of patentability or takes in opposing an argument of unpatentability relied on by the Office. Nevertheless, the documents are related to the subject matter of the instant patent application and the Applicant is submitting them to the Office out of an abundance of prudence. None of the documents disclose the claimed invention and predate the filing date of the patent application to which the instant application claims priority. The Examiner may note that some of the documents are marked with hand-written dates. The documents with the hand-written dates were obtained by the Applicant from the parties adverse to Applicant in the aforementioned lawsuits, outside of any protective order or sworn statement of truthfulness. The Applicant has no knowledge of the source of the handwriting or the veracity of the dates.

Applicant has complied with all necessary disclosure requirements under 37 CFR 1.56.

Please send correspondence in this case to the following address:

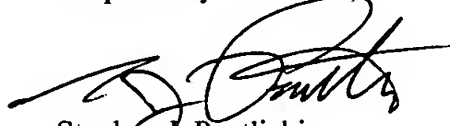
MCI WorldCom, Inc.
Law and Public Policy
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Please direct telephone calls concerning this case to:

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The U.S. Patent and Trademark Office is hereby authorized to charge any required fees, including those under 37 CFR 1.17(p) to MCI Deposit Account No. 13-2491.

Respectfully submitted



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